Judge deliberates on Oswald exhumation

Evening Journal 9/9/80

By Kathleen Carroll

Associated Press

FORT WORTH, Texas — Who owns or controls Lee Harvey Oswald's controversial grave? A brother who doesn't want it opened? A mother who won't comment? Or his widow, who wants to know whether Oswald really is buried there?

This is the question State District Judge James E. Wright has been asked to decide as a result of a British author's effort to have the grave opened to prove or disprove his theory that a Soviet spy — not Oswald — killed President John F. Kennedy.

Wright indicated at the conclusion of a civil hearing yesterday that he will decide next week on a temporary injunction sought by Oswald's brother, Robert, to halt the author's attempt to exhume the body.

In the interim, Wright extended a temporary restraining order preventing exhumation. If the judge grants a temporary injunction, another hearing would be required to make the action permanent.

At issue in this hearing is ownership of a grave bearing a simple marker that reads "Oswald" at Rose Hill Burial Park here.

Robert Oswald says he paid for the plot, and author Michael Eddowes has no legal right to attempt to dig up the body there.

Oswald's widow, Marina Oswald Porter, said she granted permission to exhume the body to prove once and for all that her husband was buried in the plot. But in a surprising twist last week, Mrs. Porter told Wright she had heard rumors that led her to believe the grave may already be empty.

Cemetery manager Neil Wretberg provided copies of burial records he said bore handwritten notations showing the Oswald was deeded to the Oswalds' mother, Marguerite, Aug. 14, 1961.

Oswald's attorneys challenged the validity of the records, intimating the deed transfer could have been back-dated.

The records showed Marguerite Oswald as the purchaser of the plot, Wretberg said.

"But the purchaser is not necessarily the person to whom the body is deeded," he said.

Mrs. Oswald has refused to comment on her son's lawsuit.